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JUL 22 1996

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July 22, 1996

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: NEW - Channel 56
Bartlett, Tennessee

Dear Mr. Caton:

Transmitted herewith are an original and four copies of a Petition for Rule Making to allot Channel 56 to Bartlett, Tennessee as its first local transmission television service. A contingent application for construction permit for a new television station to operate on Channel 56 at Bartlett is being transmitted simultaneously under separate cover. A request for waiver of Sections 73.607 73.3517 of the Commission's rules is included in the application.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,



Howard M. Weiss
Counsel for Fant Broadcast Development, L.L.C.

Enclosures

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.606(b) of the) MM Docket No. _____
Commission's Rules, TV Table of Allotments,) RM No. _____
to allot Channel 68 to Bartlett, Tennessee)

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Fant Broadcast Development, L.L.C. ("Fant"), by counsel, and pursuant to Section 1.401 of the Commission's rules, hereby requests the Commission to institute a rulemaking proceeding for the purpose of amending the TV Table of Allotments to allot Channel 68 to Bartlett, Tennessee, as that community's first local television service. Fant proposes to amend Section 73.606(b) of the Commission's rules as follows:

	<u>Channel No.</u>
<u>City</u>	<u>Present</u> <u>Proposed</u>
Bartlett, Tennessee	- - - 68

No change in the existing allotments is requested. In support of this request, the following is stated:

The city of Bartlett, Tennessee, is an incorporated community with a 1990 U.S. Census population of 26,989. As of January 1, 1995, its population was estimated to be 33,800.¹ Bartlett is served by at least one bank, four zip codes, and the CSX Transportation Railroad.

¹ Source: Rand McNally Commercial Atlas & Marketing Guide, pp. 137, 514 (127th ed.) (1996), citing Sales and Marketing Management "1995 Survey of Buying Power."

As demonstrated in the attached engineering exhibit, the coordinates of the proposed site meet the minimum distance separation requirements with respect to all known licenses, construction permits, and pending applications.

As stated above, the allotment of Channel 68 will provide Bartlett with a first local television service, which will promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of television broadcast stations among the various States and communities. 47 U.S.C. §307(b). See National Broadcasting Co. v. U.S., 319 U.S. 190, 217 (1943) (describing goal of Communications Act to "secure the maximum benefits of radio to all the people of the United States"); FCC v. Allentown Broadcasting Co., 349 U.S. 358, 359-62 (1955) (describing goal of Section 307(b) to "secure local means of expression"). In addition, the proposed allotment will promote the second television allotment priority established in the Sixth Report and Order in Docket Nos. 8736 and 8975, 41 FCC 148, 167 (1952), of providing each community with at least one television broadcast station. The proposed allotment also will permit an additional network to serve the Memphis television market. Therefore, the allotment will serve the public interest.

Contemporaneously herewith, the petitioner is filing an application for a construction permit for the new facility contingent upon the grant of the proposed allotment. In the event its application is granted, the petitioner will promptly construct the new facility.

WHEREFORE, in light of the foregoing, Fant Broadcast Development, L.L.C. respectfully requests the Commission to GRANT this petition for rulemaking, AMEND the TV Table of Allotments, and ALLOT Channel 68 to Bartlett, Tennessee, as that community's first local television service.

Respectfully submitted,

FANT BROADCAST DEVELOPMENT, L.L.C.

By: 

Vincent J. Curtis
Anne Goodwin Crump
Andrew S. Kersting

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Rosslyn, Virginia 22209
(703/812-0400)

July 22, 1996

WES, INC.
5925 CROMO DR.
EL PASO, TX 79912

915-581-0306

ENGINEERING EXHIBIT RM:

For Bartlett, TN
CH 68

JUNE 14, 1996

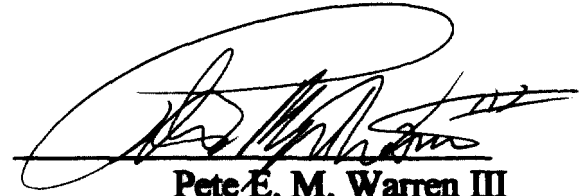
ENGINEERING STATEMENT IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND
THE TV TABLE OF ASSIGNMENTS

WES, INC.

DECLARATION

I, Pete E. M. Warren III, declare and state that I am a Certified Engineer, Class I, Senior, with Master Endorsement radiating and non-radiating, by The National Association of Radio and Telecommunications Engineers, Inc., and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of WES, Inc., and that the firm has been retained to prepare an engineering statement in support of a Petition to Amend the TV Table of Assignments.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.



Pete E. M. Warren III

Executed on the 14th day of June, 1996

Narrative Statement

I. GENERAL

The purpose of this engineering statement is to support a request that the TV Table of Assignments be amended to add Ch. 68 at Bartlett, TN. The proposed channel has no short-spacing, as can be seen by the channel spacing study. A contingent application will be submitted.

It should be noted that the area in question is not within 320 kilometers (200 miles) of a US Border and, therefore, foreign concurrence is not required.

II. ENGINEERING DISCUSSION

A. Proposed site:

We propose a site located at the following coordinates:

Latitude: 35 12 11

Longitude: 89 40 16

The allocation may be within a wide area.

B. Channel Allocation Study

Exhibit 1 is a Channel Allocation Study of channel 68. The study indicates the required separation in kilometers to all known Licenses, Construction Permits, Open Allocations, pending Allocations, and pending Rule Makings.

Exhibit 2 is a map of the resulting arcs indicating minimum separation and showing area to locate.


C. Public Interest Showing:

1. This would be the first allotment to Bartlett, TN. The petitioner believes that the requested channel addition is in the Public Interest and, therefore, should be granted by the Commission.
2. An additional station in the area would allow for carriage of a fifth network.

III. SUMMARY

Petitioner request that the TV Table of Assignments be amended as follows:

City	Present	Proposed
Bartlett, TN	None	680


Pete E.M. Warren III

June 14, 1996

EXHIBIT E-1

TV CHANNEL SPACING STUDY

by WES Inc. Broadcast Consultant

Job title: BARTLETT, TN

Latitude: 35 12 11

Channel: 68

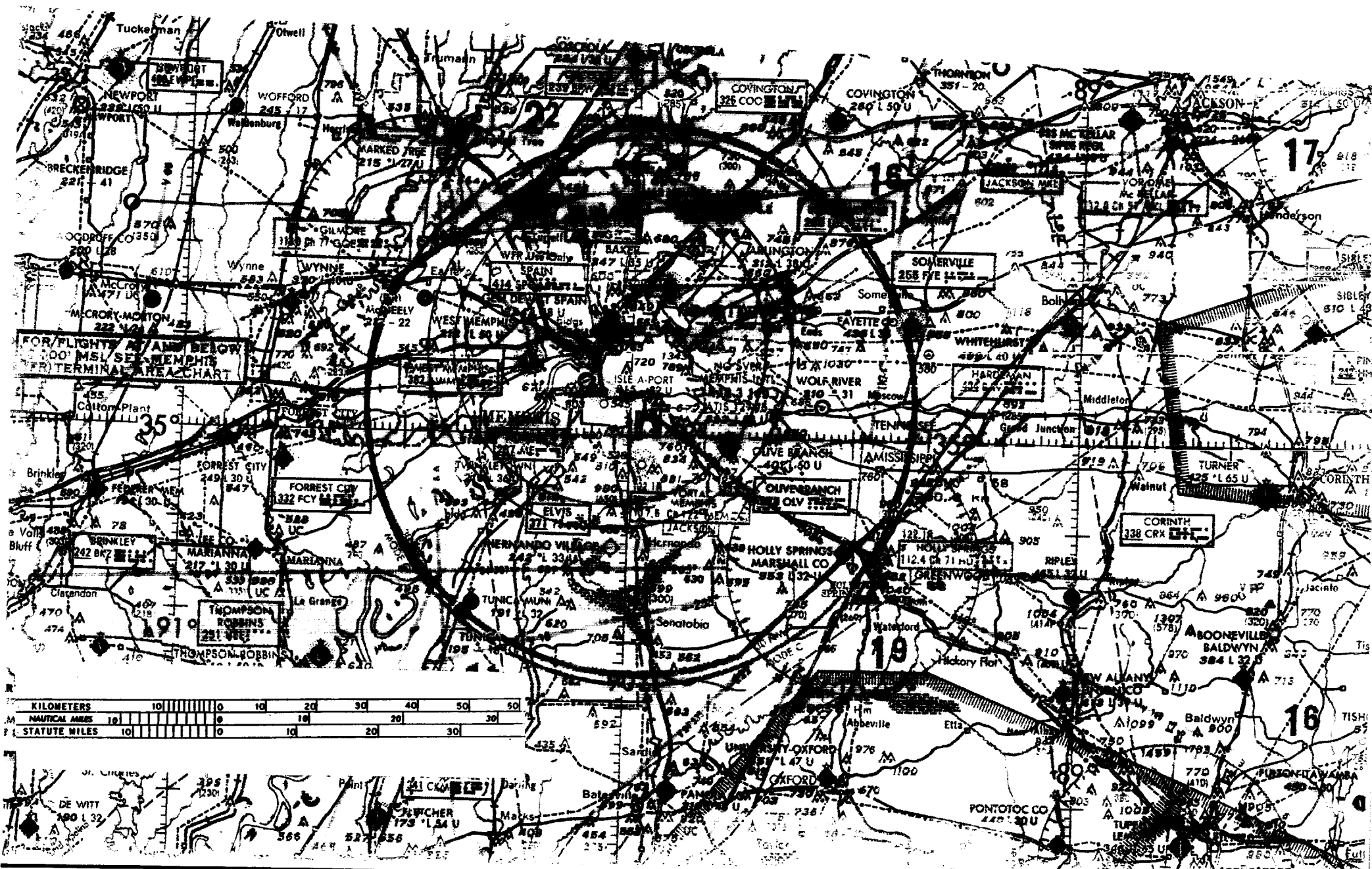
Longitude: 89 40 16

Database file name: c:\tvsrc\tv960705.edx

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
68+	WABM	3494	BIRMINGHAM	AL	2	L	126.0	323.5	280.8	42.7
68+	WABM	3495	BIRMINGHAM	AL	2	A	126.0	323.5	280.8	42.7
660	ALLOTM	4317	MEMPHIS	TN	2	A	260.3	34.9	31.4	3.5

***** End of channel 68 study *****

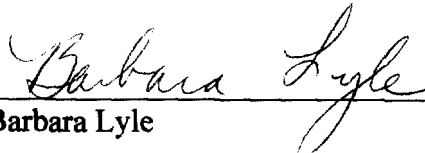
Exhibit 2
Bartlett, TN Ch 68



CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 22nd day of July, 1996, a copy of the foregoing "Petition for Rulemaking" was hand delivered to the following:

Mr. Roy J. Stewart
Chief, Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 314
Washington, DC 20554

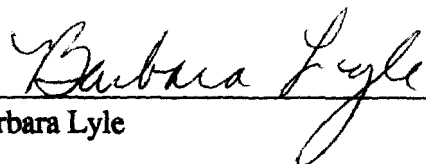


Barbara Lyle

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 22nd day of July, 1996, a copy of the foregoing "Petition for Rulemaking" was hand delivered to the following:

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Barbara Lyle